

**CALIFORNIA COASTAL COMMISSION**

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# W 8

January 25, 2001

TO: Coastal Commissioners and Interested Persons

FROM: Legal Division and Legislative Unit

SUBJECT: **New Laws**

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One bill amended the Coastal Act during the 2000 legislative session, adding Section 30166.5 (a) and (b), relating to the City of Malibu. Several additional bills were signed into law that amend or revise other laws directly and indirectly affecting the Commission. These new laws go into effect January 1, 2001, unless noted otherwise. Key provisions of these new laws are noted below.

1. **COASTAL ACT**

**AB 988 (Hertzberg) – Local Coastal Program: City of Malibu (Chapter 952)  
(Public Resources Code section 30166.5)**

AB 988 adds Section 30166.5 to the Coastal Act. Subsection (a) requires the Commission to draft a land use plan for the City of Malibu and submit it to the city on or before January 15, 2002. Subsection (b) requires the Commission, after public hearing and consultation with the City of Malibu, to certify a Local Coastal Program for the City of Malibu by September 15, 2002. The city must assume coastal development permit authority within 30 days of certification. The law exempts the city's coastal development permit process from the Permit Streamlining Act after the city assumes coastal development permitting authority from the Commission.

**Implementation:** Significant Commission staff resources will be required to comply with the legislation. Commission staff has been working closely with the city to prepare a work program and an MOU that will maximize coordination and city participation.

2. **COASTAL ACT RELATED LEGISLATION: ENDANGERED SPECIES**

**SB 1679 (Sher) – Environmental Protection (Chapter 87)  
(Government Code section 12805.1)**

SB 1679 was an omnibus budget trailer bill. One of its many provisions added Section 12805.1 to the Government Code, requiring the Secretary for Resources to facilitate coordination between the California Department of Fish and Game and the Coastal Commission in a manner consistent with, and in furtherance of, the goals and policies of the Coastal Act and the Natural Community Conservation Planning Act. The purpose of this amendment is to clarify and define the process by which NCCPs and HCPs in the coastal zone, or those that will likely affect coastal zone resources, will be drafted and acted upon by the respective agencies in the future.

**3. COASTAL ACT RELATED LEGISLATION: WATER QUALITY**

**AB 885 (Jackson) – Onsite Sewage Treatment Systems (Chapter 781)  
(Water Code sections 13290 - 13291.7)**

AB 885 requires the State Water Resources Control Board, on or before January 1, 2004, and in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties, to adopt regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems that meet certain requirements. Regional boards must then incorporate the SWRCB's regulations or standards into the appropriate regional water quality control plans.

The new regulations will apply to any sewage treatment system that: (1) is constructed or replaced, (2) is subject to a major repair, (3) pools or discharges to the surface, or (4) discharges waste that has the reasonable potential to cause a violation of water quality objectives, or to impair present or future beneficial uses of water, to cause pollution, nuisance, or contamination of the waters of the state. The regulations and standards adopted will include requirements relating to system operation, performance, monitoring, and corrective action, among other requirements.

**Implementation:** Commission staff will assist the SWRCB staff to establish requirements for the siting, design, operation, and maintenance of onsite sewage treatment systems with considerations for specific coastal conditions, including Critical Coastal Areas. Commission staff will also work to ensure the incorporation of appropriate onsite sewage treatment system requirements or standards into Local Coastal Programs and coastal development permits brought before the Commission.

**4. COASTAL ACT RELATED LEGISLATION: PUBLIC BEACHES**

**AB 1946 (Wayne) – Public Beaches (Chapter 152)  
(Health and Safety Code section 115910)**

AB 1946 repeals and adds Section 115910 of the Health and Safety Code, relating to public beaches. This amendment requires the State Water Resources Control Board, by February 1, 2001, to develop uniform guidelines for local health officers to report beach postings, closures and related information. It requires monthly reports be made available to the public via the internet, and requires the SWRCB to publish its statewide annual report by July 3 of each year.

**Implementation:** No action on the part of the Commission is necessary to implement this amendment. However, the information contained in the public reports may be of interest to the Commission.

**5. COASTAL ACT RELATED LEGISLATION: BEACH DEVELOPMENT**

**AB 1781 (Pacheco) – State Beaches (Chapter 782) (Urgency Clause Adopted)  
(Public Resources Code section 5002.6)**

AB 1781 amends Section 5002.6 of the Public Resources Code, relating to state beaches. The amendment removes a previously existing \$250,000 cap on non-commercial projects for specified

beaches controlled by the City of Los Angeles, allowing for the construction of wheelchair ramps, pedestrian accessways, and other improvements to meet provisions of the Americans with Disabilities Act.

**Implementation:** No action on the part of the Commission is necessary to implement this amendment. However, projects contemplated by this amendment that constitute “development” under Coastal Act section 30106 will require coastal development permits.

## **6. COASTAL ACT RELATED LEGISLATION: WETLANDS**

### **AB 2286 (Davis) – Wetlands (Chapter 964) (Public Resources Code sections 5811 – 5817)**

AB 2286 amends certain sections of the Keene-Nejedly California Wetlands Preservation Act relating to wetlands. This amendment requires the Resources Agency to update the state’s existing wetlands inventory in order to prepare a restoration, management, and acquisition study. The study will identify ways to enhance both private/public partnerships in wetland restoration and recreational benefits of wetland areas, and will identify wetlands not currently in private ownership which should be preserved. The bill also authorizes the State Coastal Conservancy to enter into an operating agreement with a local entity for the management and control of wetlands.

**Implementation:** No action on the part of the Commission is necessary to implement this legislation. However, the results of the updated inventory may affect future Commission action.

## **7. COASTAL ACT RELATED LEGISLATION: AIRPORT**

### **SB 1562 (Burton) - Project Mitigation Through Wetlands Restoration (Chapter 385) (Public Resources Code sections 21085.7, 21151.10)**

SB 1562 adds sections to the Public Resources Code that relate to project mitigation through wetlands restoration for one specified CEQA project, i.e., the San Francisco International Airport expansion. This legislation requires the lead agency for the airport project to include a detailed statement of mitigation, with specified analyses, in an environmental impact report, if the EIR identifies as a proposed mitigation the payment of funds to one or more public agencies to mitigate the impacts of the project and the agencies propose to use the funds for that purpose. The legislation requires the lead agency of the airport project to make approval of the project and payment of funds for mitigation measures contingent upon a specified agreement between the lead agency and the public agencies.

**Implementation:** No Commission action is necessary to implement this legislation, as San Francisco International Airport falls within the jurisdiction of the San Francisco Bay Conservation and Development Commission. However, mitigation projects which may be proposed pursuant to this legislation may be located within the coastal zone. Therefore, the Commission may, in the future, be considering the information contained in the airport’s EIR as part of a coastal development permit approval for proposed wetlands restoration projects.

## **8. COASTAL ACT RELATED LEGISLATION: MARINE RESOURCES**

### **AB 2800 (Shelley) – Marine Managed Areas Improvement Act (Chapter 385) (Fish and Game Code sections – various) (Public Resources Code sections – various)**

AB 2800, the Marine Managed Areas Consolidation and Improvement Act, amends Sections 1525, 1528, 1580, 2852, 8610.14, 10503, and 10711 of, and adds Article 5 of Division 2 of the Fish and Game Code; and amends Sections 5001.65, 5003.1, 5019.50, 5019.53, 5019.56, 5019.59, 5019.62, 5019.65, 5019.71, and 5019.74 of, and adds Sections 538, 5001.4, 5019.80 and Chapter 7 to the Public Resources Code, relating to marine resources.

This bill requires the Resources Agency to review and consolidate the state's classification and management system of state marine waters, to preserve living marine resources and their habitats, scenic views, water quality, recreational values, and cultural and geological resources, under the management of the Department of Fish and Game. The bill also sets criteria for considering and including additional areas into the state's Marine Managed Area (MMA) system, and calls for the Secretary for Resources to create the State Interagency Coordinating Committee, whose members are representatives from the Department of Fish and Game, Department of Parks and Recreation, Coastal Commission, State Water Resources Control Board, and State Lands Commission.

**Implementation:** The Commission is required to participate as a member of the State Interagency Coordinating Committee, to consider inclusion of and management strategies for newly designated marine managed areas. The management criteria for some of these areas, particularly those relating to water quality and discharge requirements, may affect the Commission's actions on coastal development permits and Local Coastal Plan amendments.

## **9. OTHER LEGISLATION: COMMISSION MOU**

### **AB 2144 (Keeley) –Land Use (Chapter 407)**

AB 2144 requires that the Commission, the City of Watsonville and the County of Santa Cruz comply with the Memorandum of Understanding entered into by those entities on June 14, 2000. This legislation enables anyone to petition the court if any of the three entities fail to comply with the MOU. This legislation will not take effect unless and until the County of Santa Cruz and the City of Watsonville have housing elements certified by the State's Department of Housing and Community Development, and either the county or the city takes action to amend or repeal the supermajority voting requirements of the MOU.

**Implementation:** No action on the part of the Commission is necessary. The Commission agreed to the provisions of the MOU during a public hearing on June 14, 2000.